

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## **AN INTERIM ORDER**

Concerning Motions to Overturn the Executive Director's Approval of the Application of Lealco, Inc. for Type V MSW Transfer Station Registration No. 40291; TCEQ Docket No. 2017-1792-MSW.

On March 7, 2018, the Texas Commission on Environmental Quality (Commission) considered during its open meeting timely Motions to Overturn filed by: 1) Steve Chamberlain; 2) Michael Canova; 3) Lori Hornback; 4) Martha and Glenn Black; 5) Cheryl Shapiro; 6) Kevin Arsenault; 7) Robert Arsenault; 8) Marilyn Sue Rawlins; 9) Bastrop County; and 10) Capital Area Council of Governments (CAPCOG) (collectively, Movants), concerning the Executive Director's approval of the application of Lealco, Inc. for MSW Registration No. 40291. The Executive Director's approval was mailed on December 20, 2017, and authorized the construction and operation of a Type V MSW Transfer Station located at 2019 State Highway 21 West, Bastrop County. The Commission also considered responses to the Motions filed by the Lealco, Inc., the Executive Director, and the Office of Public Interest Counsel, and the replies filed by the Movants.

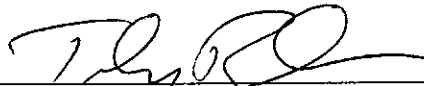
After evaluation of the parties' oral argument and all relevant filings, the Commission determined to overturn the Executive Director's issuance of MSW Registration No. 40291 to Lealco, Inc.; and remand the application to the Executive Director with the following instructions: (a) reconsider information in the record to make a determination on whether the proposed registration conforms with the Regional Solid Waste Management Plan; (b) state in

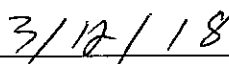
writing the reasons supporting the determination; and (c) if a new registration is issued, include a special condition requiring the completion of all improvements recommended by the Texas Department of Transportation (TxDOT) before the facility commences operations.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

1. The Executive Director's issuance of MSW Registration No. 40291 to Lealco, Inc., mailed December 20, 2017, is hereby OVERTURNED;
2. Lealco, Inc.'s application is hereby REMANDED to the Executive Director, with instructions to: (a) reconsider information in the record to make a determination on whether the proposed registration conforms with the Regional Solid Waste Management Plan; (b) state in writing the reasons supporting the determination; and (c) if a new registration is issued, include a special condition requiring the completion of all improvements recommended by TxDOT before the facility commences operations; and
3. If any provision, sentence, clause or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

  
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Toby Baker, Commissioner

  
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Dated